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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

13 CR 814 (JMF)

5 RICHARD RIVERA,

6 Defendant.

7 -----x

8 New York, N.Y.

9 May 9, 2014

9:30 a.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the

17 Southern District of New York

18 NEGAR TEKEEI

19 Assistant United States Attorney

20 JOSHUA DRATEL

21 Attorney for Defendant

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(In open court)

DEPUTY CLERK: Matter of the United States versus Richard Rivera. Counsel, please state your names for the record.

MS. TEKEEI: Good morning, your Honor, Negar Tekeei on behalf of the government.

THE COURT: Good morning, Ms. Tekeei.

MR. DRATEL: Good morning, your Honor, Joshua Dratel for Mr. Rivera. I understand Mr. Rivera refused to come out because he was ill, which it would be unlike him not to come out unless he were legitimately ill, and I waive his appearance today.

THE COURT: Since we're not dealing with anything substantive other than addressing scheduling matters, that is fine with me. What I ask you to do, Mr. Dratel, is order the transcript and share it with him and confirm with him that you have done so.

MR. DRATEL: Yes, your Honor.

THE COURT: We are here for the second pretrial conference in this matter. I had previously set a motions deadline and no motions were filed. I think the next order of business is to set a trial date, is that correct?

MS. TEKEEI: Yes, your Honor.

MR. DRATEL: Yes, your Honor.

THE COURT: Ms. Tekeei, if you had to estimate, how

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1 long the trial would be? What would you estimate?

2 MS. TEKEEI: Two weeks total, your Honor.

3 THE COURT: All right. And I gather from my deputy  
4 that you guys were looking for a trial date in September, is  
5 that correct?

6 MS. TEKEEI: That's correct, your Honor.

7 MR. DRATEL: Yes, your Honor.

8 THE COURT: I will set it down for trial beginning  
9 September 8, 2014. My practice is about two months before the  
10 trial date I will issue an order, if the case hasn't otherwise  
11 been disposed of, setting deadlines for the filing of requests  
12 to charge, proposed voir dire, motions in limine, and a final  
13 pretrial conference in early July, so you should look for that  
14 order.

15 Obviously, if there is a disposition, you can contact  
16 my chambers and we will make the necessary arrangements. Let  
17 me emphasize for your benefit, and when he reads the  
18 transcript, for Mr. Rivera's benefit, that that trial date is a  
19 firm date. It is not going to change, and you should not think  
20 it will change. Barring a disposition, that's the date we will  
21 go to trial, and you should understand that, and more  
22 importantly, he should understand that.

23 What I will say -- if he were here I would say this  
24 directly to him -- defendants sometimes do elect to change  
25 counsel before trial. If they're eligible for appointing

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1 counsel or become eligible, then they do that, or if they  
2 decide to retain counsel, retain counsel. I am not suggesting  
3 that Mr. Rivera should do that here. As you know, Mr. Dratel,  
4 I know you fairly well. I know you're an exceptional lawyer,  
5 and I have no reason to think that Mr. Rivera will elect to do  
6 that, but I advise all defendants if they do, it is in their  
7 interest to do that sooner rather than later and not wait until  
8 the eve of trial, because the closer we get to trial, the less  
9 likely it is that I will grant that application, because that  
10 trial date is not going to change, and any attorney requires a  
11 sufficient amount of time to prepare for trial.

12 So what I will ask you, Mr. Dratel, to do is order the  
13 transcript, make sure that Mr. Rivera reads that, and indicate  
14 by letter to me, represent by letter to me that he understands  
15 that and has been advised of that, please.

16 MR. DRATEL: I will, your Honor.

17 THE COURT: Anything else for us to do, Ms. Tekeei?  
18 Is there a speedy trial application?

19 MS. TEKEEI: Yes, your Honor, we move to exclude time  
20 between now and September 8 in order to allow the parties to  
21 continue discussing a disposition of the case and/or preparing  
22 for trial.

23 THE COURT: Any objection?

24 MR. DRATEL: No objection, your Honor.

25 THE COURT: I will exclude time between today and

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1 September 8. I find that the ends of justice served by  
2 excluding that time outweigh the interests of the defendant and  
3 the public in a speedy trial to allow the parties to continue  
4 their discussions regarding a potential disposition of the case  
5 without trial, and in the absence of that, to allow the parties  
6 to prepare for trial.

7 Anything further?

8 MS. TEKEEI: Not from the government, your Honor.

9 MR. DRATEL: No, your Honor, thank you.

10 THE COURT: Terrific. We are adjourned. Have a  
11 wonderful weekend.

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